

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in these columns will appear in the appendix to Volume XXIII of the *Brevier Legislative Reports*.]

IN SENATE.

FRIDAY, MARCH 27, 1885.

THE NEW STATE HOUSE.
A message from the House announced the passage of the bill H. R. 490 to provide means for the completion of the new State-house, which, on motion by Mr. Willard, was read the first time and referred to the Committee on Finance, with instructions to report to-morrow morning.

Mr. MAGEE made an ineffectual motion to make it the special order for this afternoon at 2.

CLAIM OF M. H. SCHLATER.
On motion by Mr. FOGLE, his bill [S. 362] appropriating \$250 to M. H. Schlatter for publishing and indexing a list of bills and acts in the Senate journal of 1881 was read the third time and passed by yeas 34, nays 6.

CITIZEN COURT DITCH BILL.
The special order being the bill [H. R. 222], to abolish the office of Ditch Commissioner, was read a third time.

Mr. MAGEE: This is a very important bill and should be considered by sections and amendments allowed. He made that motion.

Mr. FOGLE: Under the Senate rules no amendment by way of rider can be made to a bill on the third reading.

Mr. MAGEE: Any other amendment can be made.

Mr. SELLERS: I submit that under the rules these proceedings must be had in Committee of the Whole, if at all, on the third reading.

AFTERNOON SESSION.
Mr. WILLARD contended that bills can be amended on the third reading. [Reads from page 301, Cushing's Manual of Parliamentary Law, Sections 2,326, 2,327 and 2,328.]

Mr. WEIR: This bill is here on the third reading. To amend it would be contrary to the practice in this body for many years. If the Senator presents a correct parliamentary rule, his course would lead to such amendment as may defeat the bill.

Mr. SELLERS: The rule of the Senate clearly indicates the course to be pursued. [Reads Rule 39.] That rule clearly indicates the time for amendment is before engrossment. [Reads Rule 13.] The latter part of this rule applies to all bills, whether in Committee of the Whole or in the Senate. The bill can not be amended at this time.

THE PRESIDING OFFICER [Mr. Campbell, of Hendricks, in the chair]: I don't think the question of amendment can be considered until an amendment is proposed.

Mr. MAGEE: I amend the first section so that the duty imposed upon the Board of Commissioners shall be devolved upon the Judges of the county.

THE PRESIDING OFFICER: I shall hold that the amendment is in order, all I have heard no rule of the Senate or parliamentary law cited that prohibits the amendment of a bill at every stage.

Mr. McCULLOUGH read from page 117 of Wilson's Digest of Parliamentary Law to sustain his position that amendments on the third reading are not in order.

Mr. YOUNG read from Cushing's Manual, Section 2,324; the rule is as amended would require the bill to be engrossed, such amendment could not be made. When any course of proceedings has been taken for a long course of years it becomes a rule for that body.

Mr. MAGEE: No authority has been cited that contradicts the action by the Senator from Lawrence (Mr. Willard), which (Cushing) is the best on parliamentary law. No rule prohibits amendment after engrossment.

Mr. CAMPBELL, of St. Joseph: We are about to confirm a usage that has been established here for a quarter of a century, and we are about to depart from that. It is desirable that at any stage the Senate should have the power to amend a bill, and the rules of the Senate provide simply for that. [Reads Rule 41.]

Mr. HILLGASS reads from page 234, Congressional Digest. Upon the third reading it is a plain proposition, no amendments can be offered. Rule 39 of the Senate settles this question.

Mr. FOGLE: While it appears to be an extraordinary proceeding to amend a bill on the third reading, still it may be done. [Reads from Cushing's Parliamentary Law.] Mr. McCULLOUGH reads from 234, Congressional Digest, Rule 22. On the third reading a bill is not subject to amendment.

Mr. WILLARD: Page 200, Rule 22, clause 1, does not carry out what is there stated in the Digest.

Mr. McCULLOUGH: The section, 2,326, in Cushing's Manual, read by the Senator from Lawrence, has no reference to the situation of the bill before the Senate.

Mr. WILLARD: This is a vital question; as to whether the Senate can at all times control any measure before it, and every part and portion of it. Is no parliamentary digest can there be found a word that will tend to overthrow this proposition.

Mr. WEIR: This is a question whether a precedent that has been set by several years shall be overturned and a new rule made.

Mr. WILLARD: Every single authority quoted here to day shows that bills are subject to amendment on the third reading. The rules of the Senate show it and the Constitution of the State testifies to the fact that amendments, except by way of rider, are permissible on the third reading.

THE PRESIDING OFFICER: The Chair understands the almost universal rule is that after engrossment the question is "shall the bill pass?" The Chair is of the opinion that rules of the Senate leave the logical inference that other amendments than those by way of rider are in order. The decision of the Chair is that the amendment is in order.

Mr. YOUNG and Mr. SELLERS submitted an appeal, to wit:

The President of the Senate having decided that engrossed H. R. 222 can be amended on third reading without recommittal and over objection, we, the undersigned, respectfully appeal from the decision of the Chair.

E. R. SELLERS,
J. W. YOUNG.

The question being "shall the decision of the Chair stand as the judgment of the Senate?"

The Senate refused to sustain the Chair by yeas 12, nays 31.

Mr. CAMPBELL, of St. Joseph, explaining his vote: I did not agree with the decision of the Chair. I believe that our rules by implication and practice do not permit amendment on the third reading, but as I have just found an authority that seems to make it clearly parliamentary law to amend, I shall vote to sustain parliamentary law as against our custom. At the bottom of Page 227, Jefferson's Manual, I find a discussion of engrossment and this statement: "But the Senate of the United States is so much in the habit of making many and material amendments at the third reading that it has become a practice not to engross a bill till it has passed." With such authority as the

custom of the United States Senate I shall vote to sustain the Chair.

Mr. DAVIS (explaining): My personal views would be, as a matter of propriety, that amendments should be allowed upon the third reading of a bill, without requiring unanimous consent or reference to a committee. But this Senate has decided in a number of instances unanimously, and in cases where it would have been eminently proper to have a bill amended on the third reading, that it could not be done; and I believe to allow amendments on the third reading, without the guard of engrossment and with the thin showing of authority on the journals that such amendments were made, would, perhaps, in many instances give opportunity to pass bills finally in an uncertain and ambiguous way. I am constrained to vote "no."

Mr. FAULKNER: It has never been held since I have been a member of the Senate or of the other House that a bill can be amended on the third reading, except by unanimous consent or sending the bill to a committee, so I shall vote "no."

Mr. FOGLE: Believing that the best interests of legislation requires that we should adhere to the rule heretofore adopted in passing bills I vote "no."

Mr. MARSHALL: I have come to the conclusion that it would be dangerous policy to adopt a rule now to amend a bill on the third reading, without unanimous consent or reference to a committee. Therefore I vote "no."

Mr. McINTOSH: Of all the arguments made, I think the little speech of the Senator from St. Joseph (Mr. Campbell) the most conclusive. In giving his reasons for changing his mind and voting to sustain the Chair, I think he would be wrong. We have ordered this bill engrossed, and I think the Senator was mistaken in his application. I vote "no."

Mr. SMITH, of Jennings: It has been held here on several occasions that a bill could not be amended on the third reading. I didn't think that was a very fair way to get a bill through, because you can not at all times get unanimous consent to amend, and it is not always convenient to recommit a bill with instructions. I have never been satisfied with former rulings of the Senate on this question. I believe a bill ought to be subject to amendment up to the very time the vote is taken upon it. Therefore I vote to sustain the ruling of the Chair.

Mr. SMITH, of Jay: Whenever I find authority absolutely against me I yield to the authority. I find the following. [Reads.] With this law in my hand I don't see how I can vote any other way than to sustain the Chair. I vote "aye."

Mr. WEIR: I have frequently heard this question decided at this session contrary to the decision just rendered. The Senator from Cass, while in the chair the other day, so decided this very question. Taking all things into consideration I vote "no."

So the Senate refused to sustain the decision of the Chair.

THE PRESIDING OFFICER: The amendment proposed by the Senator from Cass is ruled out of order in accordance with the decision of the Senate.

Mr. WEIR moved that discussion on this bill shall close at 10:30 o'clock to-morrow.

Mr. MAGEE: Every Senator has the right to express his views and have them go upon the record. This motion will not give time. By the time prayers are offered and the journal read as far as it is usually the hour named in the motion will nearly have arrived.

Mr. WILLARD: In the debate this afternoon it was stated by the friends of the bill that it would be discussed.

Mr. FOGLE: Some amendments referred to this committee were not incorporated in this bill. I want to know why.

Mr. WEIR: I insist upon my motion, that debate shall cease at 10:30 o'clock to-morrow.

On motion by Mr. HILLGASS the motion was laid on the table.

Mr. WILLARD moved to make this bill the special order for 9:30 o'clock to-morrow.

Mr. MAGEE signed this report, at the request of other members of the committee, in order to get the bill before the Senate.

Mr. BENZ made an ineffectual demand for the previous question.

Mr. BRYANT: The present ditch law is a good law, but if it can be made better he would be in favor of such an amendment. The people are dissatisfied with the present law because of the expense.

Mr. WEIR moved an amendment that the vote shall not be taken before Monday at 2 o'clock.

Mr. WILLARD accepted the amendment. The motion, as amended, was agreed to. The Senate adjourned till to-morrow.

HOUSE OF REPRESENTATIVES.

FRIDAY, MARCH 27, 1885—9 a. m.

THE SPEAKER: I have set apart this morning for Senate bills on second reading, so that such bills will be in a position to be passed upon by the House. If a local bill is read, one on which no discussion is likely to occur, it might be well to read it the third time and dispose of it. The Clerk will read bills the second time, after which will come reports of committees.

EMPLOYMENT OF CHILDREN.
Mr. WILLIAMS: I move that the constitutional rule be suspended and that the bill [S. 20] to prevent the employment of children under twelve years of age in mines or manufactories be read a third time and put upon its passage.

The motion was agreed to by yeas 71, nays 4.

The bill was defeated by yeas 12, nays 42.

Mr. OVERMAN, explaining his vote, said: I do not believe that members are giving this bill mature consideration. I am in the manufacturing business myself, and I know that there are many boys who are able to do work about these manufactories and support their widowed mothers or themselves. I vote "no."

Mr. SMITH, of Perry: For the reason that it is better for boys when not in school to be at work than in idleness, I vote "no."

Mr. STALEY: The bill makes no exception as to manufactories. For the reason that many boys are employed in light labor in state factories in my town and thus given not only employment that is beneficial to health but needed, I am compelled to vote "no."

Mr. TAYLOR: If this were a bill to protect children and prohibit their labor over a certain number of hours, I might support it. But no exception is made to this. The bill is one to make street gamins. If it was properly guarded, preventing certain kinds of labor at certain times, it would do, I would rather see children at work eight or ten hours a day when not at school than idle. I vote "no."

Mr. WILLIAMS: For the reason that every labor organization and Trades Assembly in Indiana asks this bill, I vote "aye."

Mr. GORDON: If the bill prohibited heavy labor or that dangerous or injurious to bodily development, I should support it. Idleness enforced by failure to find work is bad enough, but idleness enforced by law is worse. I vote "no."

Mr. CORY: I voted for this bill under the impression that it was to prevent labor over ground, but as I find it has no exception of engrossment and this statement: "But the Senate of the United States is so much in the habit of making many and material amendments at the third reading that it has become a practice not to engross a bill till it has passed." With such authority as the

ought to provide the means, I therefore vote "aye."

Mr. WILSON: For the same reason given by the gentleman I change my vote to "no."

Mr. MOORE: As the bill is too broad I change my vote to "no."

Mr. FENDELTON: For the reason that our State platform is pledged to this bill; for the reason that the labor organizations demand it.

THE SPEAKER: Does the gentleman wish to change his vote?

Mr. FENDELTON: No, sir; I was going to say that I voted "aye" and would vote "aye" again.

So the bill was defeated as noted above.

On motion by Mr. JORDON the vote was reconsidered and the bill was referred to a select committee of three with instructions to amend so as to prohibit the employment of child labor in coal mines, iron and steel manufactories, and such other establishments as would be deleterious to their health, and that they should not be compelled to work more than eight hours a day.

Mr. LOYD made a motion, which was laid on the table by a vote of 9 yeas, 17 nays.

Mr. FOGLE: Believing that the best interests of legislation requires that we should adhere to the rule heretofore adopted in passing bills I vote "no."

Mr. MARSHALL: I have come to the conclusion that it would be dangerous policy to adopt a rule now to amend a bill on the third reading, without unanimous consent or reference to a committee. Therefore I vote "no."

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the expenses are, and I will read from the record of the Auditor of State as to what it was. [Reads.]

Mr. COPELAND: Yesterday I opposed Purdue University and was in favor then, as now, of cutting off all appropriations for that institution, hoping to kill it outright, and I voted on the motion to strike out the \$24,000 appropriation. But as the House has refused to strike out the whole amount asked for and as the attempt now is to starve it to death by degrees instead of killing it openly, I now stand ready to vote for the full amount asked.

The motion to substitute \$15,000 was rejected.

Mr. CORY proposed \$30,000. He said: I am no enemy to Purdue. I helped to create it. It is no life or death matter with Purdue. It is rich as it will live.

The substitute was rejected.

Mr. FRAZEE proposed \$16,000.

Mr. FRENCH proposed \$17,747.39.

The substitute was rejected.

Mr. FRENCH: I am a firm friend of Purdue University. I do not want it crippled. James H. Smart has the confidence of every man in Indiana. Let us give according to the dignity of the State. Give it what it deserves, or cut it off and let it go.

Mr. STALEY offered a substitute that the sum be \$18,500.

The substitute was agreed to upon a division—affirmative, 46; negative, 34.

Mr. LOYD offered an amendment that after the word dollars be added the words: "Provided, the money shall be used only for necessary expenses, and that the money be drawn only by proper vouchers, presented to the Auditor of State." He said: I understand that it has been customary for the College to draw all its money at once, after being allowed. The money should be left in the Treasury until needed.

Mr. SMITH, of Tippecanoe: A great portion of this money will be needed to lay in winter supplies.

Mr. McMULLEN: The amendment should not prevail. It will only make it necessary for the college to be continually buying on credit.

Mr. GORDON: We have made no such requirement in regard to any other institution, and we should not discriminate against President Smart, than whom no man in the State has more confidence in the people than he.

Mr. STALEY: This is all I only met in the bill, and amendment is unnecessary.

Mr. WILLIAMS offered an amendment to the amendment, that none of the money be applied on salaries. He said: It has been said here that there is enough money there to pay salaries. Now let this money be given to the college.

Mr. SMITH, of Tippecanoe: The law says that the salary of the trustees must be paid from the appropriation. No riders should be put on this bill.

Real Estate Transfers.
The following deeds were recorded Friday, March 27, as reported by Stog & Bernauer, abstract company, 12 and 15 Thorpe Block, Telephone 1,049:

Martha A. Walker to Martha J. Thompson, warranty deed to part of lot 5 in square 34 in the city of Indianapolis, \$4,750 00

Emily H. Wood and wife to Richard E. Brown, warranty deed to lot 7 in J. W. Brown's subdivision of lot 1 and part of 2 in Johnson's heirs addition to the city of Indianapolis, 1,500 00

William H. Trano and wife to Mary E. Goldstein, warranty deed to lot 21 in William H. Trano's subdivision and addition to the city of Indianapolis, 330 00

Frances M. Churchman et al. to Clemens D. Churchman, warranty deed to lot 39 and part of lot 21 in Park Place, an addition to the city of Indianapolis, 500 00

Irrin Robbins and wife to Catherine D. Robbins, warranty deed to lot 39 in square 7 in Beatty's addition to the city of Indianapolis, 1,000 00

John H. Jones and wife to Rhoda M. Jones, warranty deed to part of lots 11 and 12 in Bradshaw & Butler's addition to the city of Indianapolis, 4,500 00

Mathias and wife to the Indianapolis Title Coupling Company, warranty deed to lots 1, 2, 3, 4 and 5 in W. J. Davis Sugar Grove addition to the city of Indianapolis, 500 00

The Indianapolis Title Coupling Company to Joseph Mayer, warranty deed to lot 10 in George H. Hornsby's addition to the town of Hobbs, 100 00

William H. Neidinger and wife to the Indianapolis Coupling Company, warranty deed to lot 10 in George H. Hornsby's addition to the town of Hobbs, 2,500 00

Conveyances, 11, consideration, \$10,125 00

Fatally Shot in a Baglio.
NEW ORLEANS, March 27.—Charles Anderson, of Cincinnati, was shot and fatally wounded last night by Charles A. Bridges, of Crystal Springs, Miss., in a house of ill-fame on Basin street.

Kidney troubles manifest themselves in a variety of ways. Prompt action is necessary to prevent them from resulting seriously. Mr. R. B. Bailey, of Chillicothe, O., writes: "I have at times been afflicted with a severe pain in my back, which I suppose, originated from an affection of the kidneys. When I had the last attack I used Mischler's Herb Bitters and was relieved. I think it is an excellent tonic."

NO POISON
IN THE PASTRY

DR. PRICE'S
SPECIAL
FLAVORING
EXTRACTS

ARE USED.
Vanilla, Lemon, Orange, etc., flavor Cakes, Creams, Puddings, etc., as delicately and as healthfully as fruit, from which they are made.

FOR STRENGTH AND TRUE FRUIT FLAVOR THEY STAND ALONE.

PREPARED BY THE
Price Baking Powder Co.,
Chicago, Ill.

MAKERS OF
Dr. Price's Cream Baking Powder

Dr. Price's Lumpy Yeast Gems,
Best Dry Hop Yeast.

FOR SALE BY GROCERS.
WE MAKE BUT ONE QUALITY.

DUFFY'S PURE Malt Whiskey.

Absolutely Pure and Undiluted. Entirely Free from FUSIL OIL.

FUSIL OIL—Do you know what it is? Ask your Physician. Positive Cure for Malaria, Pulmonary Complaints, Indigestion, Nervous Prostration, Bronchitis, Croup, General Debility, Loss of Mental Power, and all Wasting Diseases. Endorsed by over 3,500 Physicians and Chemists. Available as a STIMULANT and TONIC in Typhoid Fever, Dysentery, Diarrhea, and all other cases of Debility.

ANTIDOTE FOR CHOLERA.
We are the only concern in the United States who are bottling and selling the Medical Profession and Drug Trade an absolutely Pure Malt Whiskey, one that is free from FUSIL OIL and that is not only found on the sideboards of the best families in the country, but also in the physician's dispensing room.

DR. ARENDT, the great German Chemist, says: "I have made an analysis of your DUFFY'S MALT WHISKEY, which gave a very gratifying result. Your Malt Whiskey, obtained mostly by extract of malt and a very careful fermentation and distillation, is entirely free from fusil oil and